



PATENT
Customer No. 22,852
Attorney Docket No. 06502.0356

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Germano CARONNI et al.) Group Art Unit: 2171
)
Application No.: 10/073,131) Examiner: not yet assigned
)
Filed: February 13, 2002)
)
For: SYSTEM AND METHOD FOR)
ACCESSING FILE SYSTEM)
ENTITIES)

Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

**DECLARATION OF WALTER DAVIS IN SUPPORT OF
PETITION UNDER 37 C.F.R. § 1.47(a)**

1. I, Walter Davis, hereby declare as follows:

2. I am employed by Finnegan, Henderson, Farabow, Garrett, & Dunner,
L.L.P. as an associate.

3. Mr. Germano Caronni and Mr. Sandeep Kumar are co-inventors of the
invention claimed in this application. Mr. Caronni and Mr. Kumar were both employed
by Sun Microsystems, Inc. at the time of the invention.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

RECEIVED

JUN 13 2002

OFFICE OF PETITIONS

4. The last known address of Mr. Kumar is 3131 Homestead Road No. 13-C, Santa Clara, CA 95051-5441.

5. On October 29, 2001, I left a voice mail message for Mr. Kumar explaining that I was sending him a draft patent application for his immediate review.

6. On October 29, 2001, I sent an e-mail message to Mr. Kumar (sandeep.kumar@sun.com) and Mr. Caronni (caronni@eng.sun.com) presenting them with a copy of a draft patent application for their review.

7. On November 2, 2001, I sent another e-mail message to Mr. Kumar (sandeep.kumar@sun.com) and Mr. Caronni (caronni@eng.sun.com) requesting that they confirm that they were able to read the format of the files I previously sent them.

8. On November 28, 2001, I received an e-mail message from Mr. Caronni providing his comments on the draft application. Mr. Kumar was copied on the e-mail message from Mr. Caronni.

9. During the period from November 2, 2001 to January 11, 2002, I attempted to contact Mr. Kumar by calling him at the last known business telephone number I had for him, but he never answered his phone. Each time I called him at this number I left a voice mail message asking him to call me but he never responded.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

10. On January 11, 2002, I received an e-mail message from Mr. Caronni informing me that Mr. Kumar was on leave of absence in India.

11. On January 24, 2002, I sent an e-mail message to Mr. Caronni requesting him to re-confirm Mr. Kumar's absence from the country.

12. On February 4, 2002, I received an e-mail message from Mr. Caronni re-confirming that Mr. Kumar was absent.

13. On May 21, 2002, I mailed a letter prepared by me and signed by Mr. Jeffrey Berkowitz to Mr. Kumar at his last known address. The letter was sent via Federal Express (tracking no. 613666031473). A copy of this letter is attached to this declaration. Attached to the letter was a copy of U.S. Patent Application Serial No. 10/073,131, including a copy of the specification, claims, and drawings, along with a Declaration and Power of Attorney to be executed by Mr. Kumar, and a self-addressed return Federal Express envelope. The letter explained that the Declaration should be signed and dated by Mr. Kumar and returned no later than June 7, 2002.

14. As of the date that I executed this Declaration in Support of Petition, I have not received a response from Mr. Kumar to the e-mail or voice messages as well as the letter of May 21, 2002.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Submitted by: Walter D. Davis Jr.
Walter D. Davis Jr.

Dated: 6/11/02

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com